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Panel sets more hearings on Gates; confirmation hinted to be in doubt

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WASHINGTON - Robert Gates' nomination to head the CIA appeared to be in serious trouble yesterday, as key legislators said there may not be enough votes in the Senate to approve him and the Intelligence Committee scheduled another confirmation hearing to explore "new issues" involving Gates.

Sen. Robert Byrd (D-W.Va.) said he is considering holding up a confirmation vote in the Senate until after the investigations into the Iran-contra scandal are completed, a move that could leave the agency without a permanent head for the next six months.

A source who attended a meeting of Senate Democrats Tuesday said Byrd made it clear that he planned to vote against Gates. The source added that Byrd "is quietly telling members to do the same."

Some senators said they thought President Reagan had erred in nominating Gates because Gates was involved at least peripherally in the arms-sale program and was the No. 2 man at the CIA during that period.

Gates, who has been the agency's acting director since William Casey resigned following brain surgery, came through two days of confirmation hearings last week a bit bruised by tough questioning.

Nevertheless, most senators had high praise for him generally and said they expected him to be confirmed.

Sen. William Cohen (R-Maine), vice chairman of the committee, said at the time that only damaging new information probably could stand in the way of Gates taking over the CIA's top job. In an interview yesterday, however, Cohen said he was not sure how the committee vote would go.

And Sen. Warren Rudman (R-N.H.), vice chairman of the special Senate panel investigating the Iran-contra affair, said he believed there may not be enough votes in the full Senate to confirm Gates even if he gets the nod from the Intelligence Committee.

Rudman, who said he may vote against Gates, said in an interview that the problem is not Gates' qualifications but a "gnaw-

NEW HEARING SET



Robert Gates' nomination as CIA director appears to be in trouble, as "new issues" involving Gates will be explored in a confirmation hearing, sources said. Page 18.

ing feeling" among senators that they will not have enough information to make a proper judgment until all the probes are completed.

Byrd made the same point in an interview last night, asserting that "I think it would be premature" to have a confirmation vote now. Byrd, reflecting a view held privately by many members of both parties, said he believed the president should not have nominated Gates.

"The administration did not serve itself well in nominating the No. 2 man during this set of circumstances," Byrd said, referring to the furor surrounding the arms sales to Iran and the diversion of funds to the contra rebels in Nicaragua. Added a Republican source, who asked not to be identified: "The president didn't do himself any favors on this, but I guess it's probably too late to withdraw Gates' name."

Byrd said he had not yet decided what to do about the Gates nomination, but said he will at

least wait until after he assesses what the Tower Commission report has to say and discusses it with fellow members. The Tower report on the scandal is to be released this morning.

Sources said Byrd is being cautious with the Gates nomination because he regrets having rushed Casey's confirmation through the Senate as a show of good faith to Reagan even though he had serious doubts about Casey.

"He feels it was a bad, bad mistake and he doesn't want to repeat it," said a source, who added, "Byrd doesn't want to regret it again if we find out six months from now that Gates has done something terrible."

In a prepared statement, Cohen and the chairman of the Intelligence Committee, Sen. David Boren (D-Okla.), said they would hold another confirmation hearing on Gates next Wednesday. After reading the Tower report and holding that hearing, the statement said, "the committee will make a determination on how to proceed with the nomination."

Cohen said later that the hearing would be closed. He added that, depending on what Gates said at the session, another hearing might be scheduled. Byrd said that still another public hearing might also be held.

"Clearly there are a number of new issues we have to look at," Cohen said. Primary among them, he said, is whether Gates had a role in a reported plot to kill Libyan leader Moammar Khadafy during the US raid on that country last April. The New York Times reported last Sunday that nine of the Air Force planes on that raid - which was planned with CIA help - had the "unprecedented peacetime mission" of killing a foreign leader.

Also at issue, Cohen and others said, was a Times report that Gates had helped circulate a CIA memo that favored arms sales to Iran even though he opposed the program himself. The agency yesterday denied that story.

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Boren and Cohen argued yesterday that holding up the Gates nomination for too long would not be in the country's interest because the CIA needs a full-time director who can act without worrying about his confirmation.

"I personally do not believe it is good for the country, or for our national-security interests, to allow such an important post ... to be filled by an interim, acting director for a prolonged period of time," Boren said. "The agency needs a permanent director who is able to act decisively if the situation requires it."

Boren and Cohen said that, rather than delay action for a prolonged period, they thought the committee should either ask for the nomination to be withdrawn or vote to approve or disapprove it. Then the full Senate could decide.

Sen. Patrick Leahy (D-Vt.), the last vice chairman of the Intelligence Committee, said in an interview that he had "never seen such a reversal in sentiment in such a short time."

Leahy attributed the change in senators' feelings about the Gates nomination less to the revelations of the past week than to a growing distrust in the Senate of the administration.

"It's because people have seen so many lies out of the White House, from the president on down, that they're saying, 'Why should I take their word for anything?'"